

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
(Richmond Division)**

DELLA A. PETERSON,	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No.:
	:	
DELI MANAGEMENT, INC.	:	
d/b/a JASON'S DELI,	:	
and	:	
	:	
BRETT A. WINTERS	:	
Defendants.	:	

NOTICE OF REMOVAL

Defendant DELI MANAGEMENT, INC. d/b/a JASON'S DELI ("Defendant"), by and through counsel, hereby gives notice of removal of the above action from the Circuit Court of the County of Henrico, Virginia ("Circuit Court"), to the United States District Court for the Eastern District of Virginia, Richmond Division, pursuant to 28 U.S.C. §§ 1332(a), 1441 and 1446. As set forth below, this Court has original diversity jurisdiction over this action pursuant to Section 28 U.S.C. § 1332. All requirements for removal of this action are met through the allegations contained in the pleadings filed in the Circuit Court and in this Notice of Removal.

In support of this Notice of Removal, the Defendant states as follows:

Background

1. There is pending in the Circuit Court of the County of Henrico, Virginia, a Complaint styled Della A. Peterson v. Deli Management, Inc. d/b/a Jason's Deli and Brett A. Winters, Case No. CL20-5297 (the "State Court Action"). The Complaint in the State Court Action was filed on or about July 20, 2020. A copy of the Complaint is attached hereto as **Exhibit A**.

2. That Brett A. Winters, originally a party defendant, was dismissed from the State Court Action pursuant to voluntary non-suit taken by the plaintiff. A copy of the Non-Suit order is attached hereto as **Exhibit B**. The only remaining defendant at the time of filing this notice is Deli Management, Inc. d/b/a Jason's Deli.

3. The complaint was served on defendant on or about December 14, 2020. A copy of the Summons is attached hereto as **Exhibit C**. The defendant filed an Answer to plaintiff's Complaint on or about January 4th, 2021. A copy of the Answer is attached hereto as **Exhibit D**.

4. There have been no further proceedings in the State Court Action.

Requirements for Removal

5. This Notice of Removal is filed within thirty days upon which Defendant was first served with a copy of the Complaint and is therefore timely pursuant to 29 U.S.C. § 1446(b).

6. Defendant is informed and believes that plaintiff, Della A. Peterson, is an individual residing in the Commonwealth of Virginia. See **Exhibit A** at Para. 2.

7. The Defendant has informed the undersigned that it consents to the removal of this action to federal court.

8. The State Court Action is properly removed under 28 U.S.C. § 1441(a), because the State Court Action is subject to the original jurisdiction of this Court pursuant to 28 U.S.C. § 1332, as explained below.

9. Plaintiff is a citizen of the Commonwealth of Virginia. The Complaint alleges she is a resident of Virginia and Defendant's investigation has failed to disclose any facts indicating

Plaintiff could be a citizen of any other state. The Defendant, therefore, alleges that Plaintiff is a citizen of Virginia.

10. Defendant is incorporated under the laws of the State of Texas, and has its principal place of business in Texas. Defendant is, therefore, a citizen of the State of Texas.

11. Complete diversity of citizenship exists between Plaintiff, who is a citizen of Virginia, and the Defendant, which is a citizen of Texas.

12. Plaintiff's Complaint seeks damages from Defendant in the amount of \$5,7000,000 in compensatory damages. See Ex. A, Compl., at pg. 4. This satisfies the requirements for this Court's jurisdiction based on diversity of citizenship under 28 U.S.C. § 1332.

13. This action is properly removed from the State Court to this Court on grounds of diversity jurisdiction because (a) complete diversity of citizenship exists between Plaintiff and Defendant, and (b) the amount in controversy herein exceeds the sum or value of \$75,000, exclusive of interest and costs.

14. Written notice of the filing of this Notice of Removal will promptly be given to plaintiff and the Clerk of the Circuit Court of the County of Henrico, Virginia, as required by 28 U.S.C. § 1446(d).

WHEREFORE, the defendant, DELI MANAGEMENT, INC. d/b/a JASON'S DELI respectfully requests that this case proceed before this Court as an action properly removed.

/s/

William J. Pfund, Esquire (VSB No.: 26007)
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Counsel for Defendants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and accurate copy of the foregoing Notice of Removal was mailed, first class, postage prepaid, this ____ day of ____, 2021 to:

S. Geoffrey Glick, Esquire
The Joel Bieber Firm
6806 Paragon Place, Suite 100
Richmond, VA 23230
Counsel for Plaintiff

/s/

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